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6 Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 ROGELIO RAMIREZ-CARRILLO,
16 Defendant.

CASE NO. 2:04-CR-00305 JAM

**MOTION TO DISMISS THIRD SUPERSEDING
INDICTMENT AS TO DEFENDANT ROGELIO
RAMIREZ-CARRILLO
ORDER**

18 The United States hereby moves to dismiss the Third Superseding Indictment as to defendant
19 ROGELIO RAMIREZ-CARRILLO, aka Fernando Lopez Sanchez. The defendant has been a fugitive
20 for the past 10 years and his whereabouts remain unknown. This is a 10 defendant drug case with all
21 other defendants convicted and sentenced or dismissed. In the more than ten years which have passed
22 since the indictment issued, law enforcement personnel have been unable to apprehend defendant
23 RAMIREZ-CARRILLO. Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, plaintiff
24 United States of America seeks the leave of this Honorable Court to dismiss the charges pending against
25 this defendant in the Third Superseding Indictment, and all prior pending indictments in this case,
26 without prejudice. This motion is based upon the passage of time, limitations of government resources,

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1 and the lack of indications the defendant will be apprehended. The United States also respectfully
2 requests that the arrest warrant be recalled.

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4 Dated: September 30, 2014

BENJAMIN B. WAGNER
United States Attorney

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6 /s/ Philip A. Ferrari
PHILIP A. FERRARI
7 Assistant United States Attorney

8 **O R D E R**

9 The United States' motion to dismiss is GRANTED and the charges brought against defendant
10 ROGELIO RAMIREZ-CARILLO in the Third Superseding Indictment, and all prior indictments in this
11 case, are hereby is ordered DISMISSED WITHOUT PREJUDICE. The arrest warrant is RECALLED.

12 **SO ORDERED:**

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14 DATED: 10/1/2014

/s/ John A. Mendez
HONORABLE JOHN A. MENDEZ
15 UNITED STATES DISTRICT JUDGE

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